



CRL OP(MD) . No.11132 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/06/2026

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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Rahim,
S/o. Mohamed Kunju,
Sajila Manzil,
Railway Road, Pravachambalam Nemam Post,
Kerala State..

... Petitioner/Accused No.2

Vs

State of Tamilnadu Rep by,
The Inspector of Police,
Kanyakumari- NIBCID,
(Crime No.1/2022)
Transferred from Arumanai Police
Station. (Crime No.79/2021).

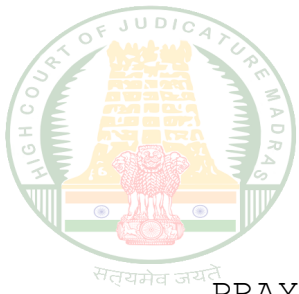
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Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu,
Advocate.

For Respondent : Mr.G.Ganesh Kumar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :-
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to enlarge the petitioner on bail in connection with the case in C.C.No.706/2023 on the file of the Principal Special Court for Trial of NDPS Cases, Madurai.

ORDER : The Court made the following order :-

The petitioner / A2, who was arrested and remanded to judicial custody on 02.01.2023 for the offences punishable under Sections 8(c), 20(b) (ii) (C), 25 of NDPS Act, 1985, in C.C.No. 706/2023 on the file of the Principal Special Court for Trial of NDPS Cases, Madurai, in connection with the crime No.79 of 2021 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 28.01.2022, at about 13.00 hours, based on the secret information, the Inspector of Police was on patrol duty, at that time, they found that the accused persons were in illegal possession fo 198 kgs of Ganja in lorry bearing Registration No.KL



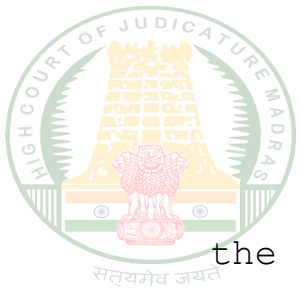
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22 N 4503. Hence the case.

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3. The learned counsel for the petitioner would submit that the respondent police has registered a false case against the petitioner and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been arrested and remanded to judicial custody on 02.01.2023. He would also submit that the investigation in this case is also completed and final report filed before the concerned Court. The learned counsel appearing for the petitioner relied on the judgment of the Hon'ble Supreme Court in the case of **Ankur Chaudhary.vs. State of Madhya Pradesh** in Special Leave to Appeal (crl.) No.4648 of 2024. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that

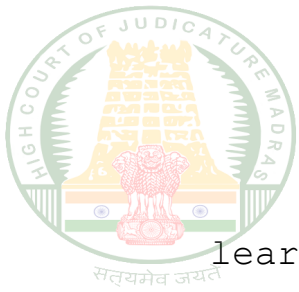


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the petitioner along with other accused were found in illegal possession of 198 Kgs of ganja which is a commercial quantity. There are materials available as against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. This Court heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsel on either side and the fact that though the petitioner has two previous cases, in both cases, he was released on bail and the alleged occurrence took place on 27.02.2021 and the petitioner was arrested after two years from the date of occurrence and also taking into consideration the period of incarceration suffered by the petitioner and also taking into consideration the judgment relied on by the



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learned counsel appearing for the petitioner in the case of **Ankur Chaudhary vs. State of Madhya Pradesh** in Special Leave to Appeal (crl.) No.4648 of 2024, Wherein the Hon'ble Supreme Court has observed that it is to observe that failure to conclude the trial within a reasonable time in prolonged incarceration militates Article 21 of the Constitution of India and as such conditional liberty overriding the statutory embargo created under Section 37(1)(b) of the NDPS Act, in such circumstances, be considered. In the case of hand also the case is posted for trial and so far the trial has not been concluded and there is no scope to conclude the trial within the short time, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum



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of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Special Court for trial of NDPS Cases, Madurai, and on further conditions that:

[b] the petitioner shall report before the trial Court on all working days at 10.30 a.m., and 5.30 pm., until further orders.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation



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or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of



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Kerala [(2005)AIR SCW 5560].

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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS

(P D B J)
25.06.2026

VSG

TO

1.The learned Principal Special Court for trial of NDPS Cases, Madurai.

2. The Superintendent, Central Prison, Palayammottai.

3.The Inspector of Police,
Kanyakumari- NIBCID,
(Crime No.1/2022)
Transferred from Arumanai Police
Station. (Crime No.79/2021).

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J. ,

vsg

ORDER
IN
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